FITNESS TO STUDY – QUICK GUIDE

This quick guide gives an overview of the Fitness to Study Procedure. It does not replace reading the document, where you will find helpful information for meetings and follow-ups.

1. There may be occasions where the health or wellbeing of a student deteriorates to the point where it raises questions about their suitability to continue their studies; their capacity to participate fully and interact with other members of the College; or their ability to use university premises appropriately.

2. The Fitness to Study Policy and Procedure has 3 stages which consider what interventions the College can make and what a student can do to enable their successful studies or the suspension of a student where they are not deemed well enough to study at that point. The stages usually follow on from each other but the process can be started at any stage.

3. The procedure also provides information on returning to study.

4. There is an appeal process (following stage 3).
5. FITNESS TO STUDY POLICY AND PROCEDURE

Introduction
Birkbeck is committed to supporting students and recognises the importance of a student’s health and wellbeing in relation to his/her academic progression and wider university experience. The College has a responsibility to support students to feel and function well in order to maximize their potential while studying with us. There may be occasions where the health or wellbeing of a student deteriorates to the point where it raises questions about their suitability to continue their studies; their capacity to participate fully and interact with other members of the College; or their ability to use university premises appropriately. The purpose of this Policy and Procedure is to outline the steps that the College will follow when concerns are raised about the fitness to study of one of its students. This policy also includes applicants who have been offered a place on a course at the College.

The policy and ensuing procedures aims to ensure that:
- The best interests of the student are considered in relation to their personal situation, their health, wellbeing and/or any disability they may experience
- Students are supported to study to the best of their ability, and wherever appropriate to meet the required learning outcomes and complete their course
- Students who are experiencing difficulties are supported to address their difficulties at the earliest appropriate point
- Students, where possible, take an active part in the process and are encouraged to make informed decisions regarding options available
- Any reasonable adjustments that the student may be entitled to are considered and where appropriate put in place
- Students receive a non-judgemental, consistent and sensitive approach to the management of situations. This may require different stages of response according to the perceived stage of concern
- We provide a suitable and co-ordinated response by academic and professional services staff working together so that students experience a consistent and fair process
- Where appropriate, certain behaviours which would usually be dealt with as a disciplinary matter, may be considered under this policy.

Scope and Purpose
1. It is important that students take an active part in the process, and take appropriate steps to manage their own health and wellbeing in order to fulfil their academic potential. However, the Fitness to Study Procedure will be considered as an alternative to other means of managing concern about academic conduct or progress where there is sufficient concern that a student’s behaviour, attendance and academic progress could be the result of mental or physical ill health or disability or have an impact on the health and safety of other people.
2. The policy may be used for all stages and modes of study: undergraduate, postgraduate taught, postgraduate research, and for part time and full time study. The policy is appropriate for applicants as well as enrolled students.
3. Actions taken as a result of this Policy and Procedure are not of a disciplinary nature. If action is taken about a student who is not fit to study, it will be limited to that which is necessary to protect as far as possible the interests of members of the College community and the student in question. Depending on the nature and seriousness of the issue, we may also consider behavioural concerns under the Code of Student Discipline at any time during the Fitness to study process.
4. This Policy and Procedure may apply for all students applying to or enrolled on programmes offered by the College.
5. When invoking this Policy and Procedure, the College will offer support to the student in question. The stage and form of support will vary according to the circumstances of the student.
Stages of Action
The procedure has three stages. These stages represent the degree of concern and/or the perceived seriousness of the situation.
The procedure can be entered at any stage; however, in most cases stage 1 should be used before escalation to stages 2 or 3. If the concerns are not remedied by the recommended and agreed actions at one stage, the next stage may be instigated. Some student cases may stay at the same stage and may never reach stages 2 or 3.

Stages 1 or 2 of the procedure can be initiated by a member of staff with a direct link or primary responsibility for the student’s needs. Stage 3 can only be instigated by the Academic Registrar (or their nominee).

Where other members of staff have concerns about a student’s health, wellbeing and behaviour they should contact the Head of Student Services or their nominee to consider whether this procedure should be implemented.
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| 1.1 | Initial concerns regarding a student’s fitness to study will normally be dealt with by the student’s School. Where an initial concern about a student’s fitness to study is raised, an appropriate member of staff (for this purpose referred to as “the primary staff member”) from the student’s School will be identified by the school (for example, Programme Director/personal tutor) to arrange a meeting with the student within four weeks of the concern being raised.  

A second member of staff, either from the school or from Student Services, should also attend. The student should be advised that they may bring a friend or relative for support if they wish, however they cannot speak on behalf of the student. The primary staff member will indicate clearly to the student the nature of the concern raised and explain that the matter is being dealt with under Stage 1 of this Procedure. The purpose of the meeting is to seek to explore the concern regarding the student’s fitness to study and whether it can be managed at Stage 1 or whether the matter should be dealt with at another Stage. The student will be invited to respond to the concern and the primary staff member will seek to establish the student’s perception of the concern. The primary staff member may speak with other relevant members of staff (for example from the student’s School, Student Services etc) as is appropriate in order to deal with the matter.  

If the primary staff member determines that the student’s fitness to study is impaired or may become impaired, s/he may take such action as is appropriate in the circumstances, including but not limited to one or more of the following:  

- decide that no action be taken;  
- recommend that the Head of Student Services is asked to refer the student for a medical assessment of his/her fitness to study. If, in the opinion of the University’s medical adviser, the student is not fit to study then Stage 3 may be initiated;  
- draw up an action plan, to be monitored by the School and Mental Health Service, where possible with the agreement of the student, setting out how the matter is to be dealt with and any conditions to be placed on the student (for example, in relation to their behaviour or in relation to support they should seek). The primary member of staff will set a review date and will notify the student that if any conditions set out in the action plan are not complied with, and/or if there is a continuation of the same or any additional concern, these issues will be discussed at the review meeting and may result in the student’s fitness to study being referred for further assessment under Stage 2 and/or 3;  
- Recommend that the student take a period of voluntary abeyance/leave of absence through the College’s Break in Studies Procedure. The student will be advised that when the agreed period of absence is due to elapse and they wish to return to study, they MAY be asked to provide satisfactory evidence that they have overcome the original difficulties and are fit enough to return to study. This may involve referral to a health professional for assessment, if deemed necessary.  

The primary staff member will notify the student in writing, with reasons, of decisions reached and provide the student with a copy of any action plan normally within 5 working days of the meeting with the student. A written record of the meeting and a copy of any action plan will be sent to the Head of Student Services normally no more than 5 days after the meeting. If the student refuses or cannot attend the meeting (e.g. due to hospitalisation), the primary staff member will have no other recourse than to refer the student to stage 2 of the process. |
|   | Fitness to Study Procedure - Stage 2 |
| 2.1 | Stage 2 of the procedure is applicable where there is continued and ongoing concern following Stage 1, or when there is significant concern about a student’s health, wellbeing, behaviour, safety and/or ability to study, meriting direct referral to Stage 2. |
If action taken under Stage 1 has not been successful or if the concerns raised are too serious to be dealt with under Stage 1, stage 2 should be invoked. Stage 2 is used when there are ongoing or further concerns about a student’s health, wellbeing and/or behaviour and the impact this has on their ability to progress on their programme of study. Such concerns may include significant deterioration in health, appearance, attitude, particularly where there is an impact on attendance, ability to meet deadlines, succeed academically, or ability to use College premises appropriately.

2.2 Once concerns have been raised about the student, an appropriate member of staff from the student’s school (“the primary staff member”) will clarify the situation. This may be done in consultation with the college’s Mental Health Adviser or member of Student Services, where appropriate. Points for clarification will include:

- Identification of the issue(s) arising
- Collation of any other relevant information about the student (e.g. non-attendance, missed deadlines, isolation, issues in other services in the College).
- What action has been taken so far, and whether anyone has discussed these concerns/issues with the student.
- Discussion with Student Services for advice or guidance on how to approach the student and discuss difficult issues.
- Discussion with the International Office, where applicable

2.3 The primary staff member should contact and/or approach the student to request a meeting, as a result of concerns being raised about them in relation to their health, wellbeing and studying. The student will be made aware of the precise nature of the behaviour that has caused the concern. This should be done by email or letter. The student should be given clear information about the Stage 2 procedure, with particular emphasis on the fact that it is intended to support the student. The student should then be invited to a meeting, and be given at least 5 days notice of the date of the meeting.

2.4 The primary staff member will chair the meeting with the student. A designated member of staff from Student Services (e.g. Mental Health Adviser) should also attend. Other relevant members of staff may be invited to the meeting. The student should be informed who else will be present and the reason they will be there. The student should be advised that they may bring a friend or relative for support if they wish.

2.5 The meeting with the student should take place in a private space and the following points should be considered and included as appropriate:

- Identification/explanation of the concern being raised. (Clear examples are helpful).
- Opportunity for the student to give their perspective of what is happening, and (if appropriate) clarification of whether this has happened before and if so what previously was helpful.
- Clarification of relevant College boundaries and rules that the student needs to be aware of
- Clarification of the student’s personal responsibility (e.g. to be ‘well enough’ to study and to be respectful of others) and fully engage with the recommended support.
- Consideration of what would be helpful and make the difference to the student in order to support him/her in their studies and minimize concerns
- Signposting the student to relevant Student Services
- Clarification of agreed actions and options to support the student and minimise the concern (e.g. extended deadline, accessing Support Services).
- Agree a meeting date to review the situation and agree who needs to attend. The length of time between the meeting and the review should be agreed by all present, taking into account relevant academic and personal factors.
- Sufficient time should be given to allow the student to consider their behaviour and seek support.
• Explanation that a continuation of the same or any additional concerns could result in escalation to Stage 3 of this procedure.

2.6 If the primary staff member determines that the student’s fitness to study is impaired or may become impaired, they may take such action as is appropriate in the circumstances, including but not limited to one or more of the following:
• Recommend that the Head of Student Services is asked to refer the student for a medical assessment of their fitness to study. If, in the opinion of the College’s Consultant Psychiatrist, the student is not fit to study then Stage 3 may be initiated.
• Draw up an action plan, where possible with the agreement of the student, setting out how the matter is to be dealt with and any conditions to be placed on the student (for example, in relation to their behaviour or support they should seek). Set a review date and will notify the student that if any conditions set out in the action plan are not complied with, and/or if there is a continuation of the same or any additional concern, these issues will be discussed at the review meeting and may result in his/her fitness to study being referred for further assessment under Stage 3
• Recommend that the student take a period of voluntary abeyance/leave of absence. The student will be advised that when the agreed period of absence is due to elapse and they wish to return to study, they will be asked to provide satisfactory evidence that they have overcome the original difficulties and are well enough to return to study. This may involve referral to the College’s Consultant Psychiatrist.

2.7 A list of agreed actions should be documented by the primary member of staff at the meeting, and a copy sent to the student and all other attendees no more than 5 working days after the meeting has taken place.

2.8 A copy of these actions should be kept in a confidential place for an agreed period of time, in line with the College data retention policy.

2.9 The Assistant Dean for the department and the Head of Student Services should be informed of the outcome of the stage 2 meeting, and arrangements for review. The general expectation is that the student will take personal responsibility and fully engage with the recommended support.

2.10 The Stage 2 follow-up meeting should include:
• Review of how the student has been since the meeting
• Explanation and exploration of any further concerns arising
• Exploration of further /ongoing support required
• Agreement of whether further action is necessary. If the concern has been resolved no further action may be necessary.
• If the concerns have not been addressed, support has not been sought, and the member of staff feels that the progress has not been made, the case can move on to the next stage of the policy.

2.11 In cases where the student is invited but fails to attend stage 2 meetings:
• The situation should be discussed in the student’s absence
• If there are straightforward options about how to proceed, agreed expectations, support options and plans should be communicated to the student with a timescale for completion and date of review.
• If the situation is more complex or unclear, steps should be taken to escalate to a Stage 3 meeting.
• The student should be made aware that if they fail to take the opportunity to meet to discuss concerns about their health and wellbeing then it may be necessary to consider using Disciplinary Procedures as an alternative route.

3 Fitness to Study procedure - Stage 3
3.1 Stage 3 of the procedure is used where there is ongoing concern following Stage 1 and/or Stage 2, or when there is significant concern about a student’s health, wellbeing, behaviour, safety and/or ability to study. Where there are serious concerns regarding risk to the health and safety of the student and/or where there is a perceived threat and risk to others, cases will be referred directly to stage 3, without completing stage 1 or 2.

Temporary Exclusion

At stage 3, a College panel will be convened. Before the Fitness to Study Panel, the student may be temporarily excluded from the College. The Academic Registrar or their nominee may impose a temporary exclusion for a set period of time with immediate effect. A student who is temporarily excluded is prohibited from entering College premises without prior agreement in writing and from participating in College activities. The exclusion may, exceptionally, be subject to qualification, such as the permission to take an examination or to enter College premises to attend a meeting with a support service, such as the Student Counselling Service. The terms of exclusion will be individual to each case and will be notified to the student in writing. A temporary exclusion does not affect the student’s status as a member of the College. A Fitness to Study Panel will be convened to consider the case.

3.2 At Stage 3 the Fitness to Study Panel meeting should include relevant people who have a direct link or support role with the student, and also someone who holds an appropriate level of responsibility and decision making authority for the relevant area within the College.

The Members of the Panel will usually be:
- A representative of the student’s school
- A representative of another school
- A representative from Student Services
- The Mental Health Advisor, where appropriate
- A representative from the Students’ Union

The panel may also include as appropriate:
- A representative from the International Office
- Where the use of Birkbeck premises is a relevant factor, a senior member of staff from Estates
- A member of Professional Services

Prior to the panel, the student will be asked to attend an assessment of his/her fitness to study with the College’s Consultant Psychiatrist. If students refuse to attend a the assessment, the panel will be limited to reviewing the information available.

A letter will be sent to the student after the meeting setting out any decision made and the reasons for the decision.

3.3 The student should be informed of the meeting and its purpose in a clear, written statement from at least 5 working days before the meeting, but where possible a longer period of notice should be given. The student will be able to submit documents for the Panel to consider and will be given a copy of any documents seen by the Panel. They will have the right to bring a friend or representative to the meeting.

The Panel may order the proceedings at its discretion and may call witnesses if required. The student should be encouraged to prepare in advance for the meeting and may wish to write a short summary report for the meeting.

In preparation for the meeting the key College departments may be invited to write a summary report of the present and past relevant/key issues. The contribution of representatives will be subject to Data Protection legislation and/or professional codes of confidentiality. This information will be sent to the meeting co-ordinator and may be circulated to people attending
the meeting.

It may be considered helpful to convene the meeting without the student for an initial period of 30 minutes, to allow those who have no prior involvement with the student to familiarize themselves with this information prior to the student’s arrival, the process, and in order to understand the issues and the possible options.

3.4 This statement should include:
- The purpose of the meeting
- A web link to the Fitness to Study procedure.
- Whether the student needs to provide any specific documents (e.g. medical evidence)
- Who will attend the meeting
- An explanation that the meeting will be confidential and that personal information relating to the health of the student will only be shared with those who have a direct involvement in the meeting
- Explanation that the student can be accompanied by someone in a supportive capacity (for example a Care Coordinator), but not by someone acting as an advocate. Disabled students may also be accompanied by a support worker e.g. sign language interpreter or mental health worker/disability adviser as appropriate to their needs.
- Date, time and venue of the meeting

3.5 At the meeting the following aspects should be included:
- Summary of presenting situation, concern(s) being raised, and past relevant information
- Opportunity for the student to give their perspective of current issues and if appropriate history of events, past experiences and helpful strategies or support for managing the issues
- Clarification of relevant College boundaries and regulations
- Clarification of the student’s personal responsibility at the College (e.g. to be ‘well enough’ to study and to be respectful of others)
- Identification of any further information which may be required
- Clarification of the options available to the student at this stage (e.g. change of mode of attendance, a period of interruption with repeating, or a recommendation for withdrawal of the student)
- Consideration of what would be helpful or make the difference to the student in relation to the options available
- Signposting the student to any relevant University Support Services
- Clarification of agreed options/actions and support options that the student is encouraged to access
- Explicit clarification of the consequences of failing to complete the agreed actions, and/or a continuation of the causes for concern
- Agreement of any interim monitoring or measures
- Agreement of a date to meet again to review the situation and a ‘return to study’ meeting where appropriate
- In cases where interruption is the outcome, the meeting should consider and make explicit what is required to happen before the student is permitted to return to study.

3.6 A report of the meeting and agreed actions should be documented by or on behalf of the meeting co-ordinator.

3.7 A copy should be sent to the student and to all other attendees of the meeting no more than 5 working days after the meeting has taken place.

3.8 A copy will be kept in Student Services in a confidential place for the duration of the student’s course.
3.9 The Stage 3 meeting chair will designate responsibility to monitor the process and ensure the review meeting takes place.

3.10 The Stage 3 review meeting should include:
- Review of how the student has been
- Review of whether agreed actions have been undertaken
- Explanation/exploration of any further concerns arising
- Consideration on new or ongoing relevant mitigating evidence
- Exploration of further /ongoing support/adjustments that may be necessary
- Agreement of whether a further action plan is necessary. If the concern has been resolved no further action will be necessary. If concerns continue or have increased a further action plan may be put in place, or a Stage 3 meeting may be suggested.

3.11 The outcomes available to the Panel are:
- To monitor the student formally for a specific period of time. An action plan will be agreed with the student detailing any steps the student will need to take and the support to be provided to the student.
- Regular review meetings will be arranged with the student and a nominated member of staff. The student should be made aware of what will happen if the action plan is breached
- To recommend a specific academic arrangement be put in place which may include a suspension of studies. Such recommendations should be agreed by the student’s school where appropriate and the student. If the student does not agree, the case will be heard on appeal.
- Suspension with conditions for a period up to twelve months. A student who is suspended from the College may be prohibited from participating in College activities and may either have restricted rights or be prohibited from entering College premises. The terms of the suspension will be notified to the student in writing, depending on the circumstances of the case.
- Exclusion or requirement to withdraw - if the Panel concludes, taking into account the individual circumstances of the case and any supporting medical evidence, that there is no reasonable prospect of the student re-engaging with their programme in the short to medium term a recommendation will be made to the Master that the student is permanently excluded or required to withdraw. This recommendation should only be made in the most serious cases.
- Any other action considered to be appropriate and proportionate.
- If the seriousness of the case warrants, the panel can consider moving the case to be heard under the Code of Student Discipline

3.12 If the student does not attend any of the agreed meetings:
- The situation will be discussed in the student’s absence
- Agreed expectations, support options and plans will be communicated to the student with a timescale for completion and date of review.
- The student should be made aware that if they fail to take the opportunity to meet to discuss concerns about their health and wellbeing and/or fail to provide any supporting evidence of an underlying issue then it there may be no alternative but to move the case to be heard under the Code of Student Discipline.

3.13 In cases where an interruption to studies is agreed it must be made clear what needs to happen in order for a return to study to be considered. Responsibilities for arranging meetings and obtaining evidence and documentation must be confirmed and included in the meeting notes.

3.14 In cases where withdrawal of the student is the recommended outcome of the meeting, this must be notified to the Master.

4 Returning to Study
4.1 In cases where the outcome of the Fitness to Study procedures result in a temporary exclusion or interruption to study, the procedure for considering a return to study should be made clear to the student at the time of their interruption.

4.2 The Fitness to Study Panel that made the recommendation regarding a temporary exclusion, or as many members of the original Panel as possible, will be reconvened to consider whether the student is fit to return to study.

4.3 In all cases the student will be asked to provide satisfactory evidence that they have overcome the original difficulties and are well enough to return to study. They will usually be asked to meet with our Consultant Psychiatrist. The precise nature of the evidence required from the student will be dependent on the individual circumstances in each case, but in all cases it is expected that this will involve a report from a recognized independent health professional with sufficient knowledge about the health and wellbeing of the student during the period of interruption, and the potential impact that returning to study might have.

4.4 Where a student returns to study after a temporary exclusion under this policy the relevant panel will consider any support that the student may require to support a return to studies, such as regular review meetings or a return to study action plan. The general expectation is that the student will take personal responsibility for fully engaging with this support.

4.5 The decision to allow a student to return to study will be communicated in writing to the student prior to their return, and any requirements and special arrangements will be made clear. The College will determine the ongoing arrangements to support and review of the progress of the student to minimize risk of a recurrence of the original difficulties.

5 Right of appeal
The student may appeal against a temporary exclusion or requirement to withdraw. See section ‘Right of appeal’.

6 Arrangements for Monitoring and Review of the Fitness to Study Procedures

6.1 The Fitness to Study Procedures will be subject to annual review. The review will be led by the Head of Student Services, in consultation with appropriate staff.

6.2 The review will report on the following:
- The number of Fitness to Study cases over the period
- The outcome of cases where an interruption to study has been recommended
- The number of students who have returned to study following a period of interruption

6.3 The annual review will also consider the perceived effectiveness of the Fitness to Study Procedures, and where necessary will make recommendations to the Academic Registrar for appropriate changes to the procedure.

7 Appeals

7.1 A student may appeal to a Fitness to Study Panel against a decision reached at Stage 3. Students should note that a request for review of a decision will only be accepted if there is evidence of the following:
(a) The correct procedure has not been followed
(b) Evidence of further material circumstances which could not reasonably have been expected to have been submitted for consideration by the Panel.

7.2 Students should lodge any request for review with the Academic Registrar or their nominee by submitting a written statement detailing the grounds for request (see paragraph 1.1) within 10 working days of being notified of a decision at Stage 3.
| 7.3 | The Academic Registrar or nominated representative will establish, in consultation with the Executive Dean of the School to which the student belongs, whether there is a case for consideration before an Appeals panel, or whether to dismiss the request and inform the student in writing of the reasons for doing so. If it is decided that there is a case for a review, an Appeals Panel will be convened. |

| 7.4 | Membership of the Panel: An Appeals Panel will be chaired by a senior member of the College community, (e.g. Executive Dean or their nominee) and also include a member of the Academic Board and, where possible, a member of the Students’ Union. No member of the Panel will have previously been associated with the complaint. |

| 7.5 | The Secretary of the Panel will be a member of the Professional Services. |

| 7.6 | The student will be informed of the date of the meeting of the Appeals Panel not less than 10 working days in advance. The student may choose to appear before the Panel but the Panel may also hear a case, by mutual agreement, in the absence of the student. The student may be accompanied by a member of the College (whose name must be notified to the secretary of the Panel in advance of the meeting). Proxies for students shall not normally be allowed. |

| 7.7 | The Panel will invite relevant members of the institution to comment. The Panel may also consider written comment from the Chair of the Fitness to Study Panel. |

| 7.8 | Documentation in support of the request for review shall be circulated to the Appeals Panel and to the student not less than five working days before the meeting. |

| 7.9 | Such documentation will normally comprise the documentation and papers relevant to the earlier consideration during the Fitness to Study considerations and the reasons for referring the case to the Panel. |

| 7.10 | The meeting will commence with private discussions within the Appeals Panel to clarify matters of process. |

| 7.11 | The student, and any accompanying person, will be called to appear before the Panel and the proceedings will continue as follows:  
(a) A statement will be requested from the student about the case  
(b) The Panel will question the student |

| 7.12 | The Panel may interview in turn: Members of staff involved in the Fitness to Study considerations. |

| 7.13 | The Panel will then meet privately to reach its decision. |

| 7.14 | The Panel, having considered the evidence, may uphold or reject the request for review, such a decision being final and exhausting the University’s Fitness to Study procedures. |

| 7.15 | The Appeals Panel will minute its deliberations and decisions and may recommend the following actions:  
(a) to appoint a new Stage 2 Panel to consider the case afresh  
(b) to annul a decision of the Stage 2 panel and substitute it with an alternative decision (which may be recommended by the Appeals Panel), where circumstances make it appropriate for it so to do. |

| 7.16 | The Secretary of the Panel shall notify the student in writing of the Panel’s decision, giving the reasons for it, within five working days of the meeting. |